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EX PARTE OR LATE FILED

December 16, 1997

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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DEC 16 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Docket No. 92-257
WJG MariTEL Corporation
Notice of Ex Parte Presentation

Dear Ms. Salas:

Enclosed are an original and one copy of a summary of an *ex parte* presentation made in connection with the above-referenced FCC rule making proceeding. 47 C.F.R. § 1.1206(b)(1) (1997).

On December 16, 1997, Russell Fox and Elisabeth Washburn, on behalf of WJG MariTEL Corporation ("WJG"), along with Mitchell Hauser of WJG, met with Howard C. Griboff, Attorney Advisor in the Wireless Telecommunications Bureau, Auction Division, Roger S. Noel, Acting Deputy Chief/Senior Engineer of the Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, and Scot Stone, Attorney Advisor in the Wireless Telecommunications Bureau, Policy and Rules Branch. The parties discussed WJG's position with respect to regulatory issues raised in the above-referenced proceeding. A written summary of the matters discussed is attached.

Please direct any questions regarding this matter to the undersigned.

Sincerely yours,



Elisabeth M. Washburn



**PRESENTATION OF WJG MarITEL
BEFORE THE AUCTIONS DIVISION
WIRELESS TELECOMMUNICATIONS BUREAU
FEDERAL COMMUNICATIONS COMMISSION
DECEMBER 16, 1997**

- A. MarITEL is the predominant provider of public coast services in the United States today.
- B. MarITEL has sought, over the past several years, to expand its service to the boating public by securing the use of additional channels through application and acquisition.
- C. Public coast services are the most appropriate means by which the boating public can meet their personal and public safety communications needs in coastal areas.
 - 1. Cellular and other wireless services are configured to meet land mobile communications requirements and cannot, therefore, provide the same scope of coverage to coastal areas as can public coast stations.
 - 2. Unlike other wireless service providers, public coast licensees are required to provide access to the U.S. Coast Guard in emergency situations. The Coast Guard, in turn, relies upon public coast station providers to transmit emergency information from boaters.
- D. The rules which governed the public coast service hindered licensees from providing communications services that were not being adequately provided by others.
 - 1. Limitation on the number of frequency assignments available.
 - 2. Inability to reuse frequency assignments.
 - 3. Inability to offer automatic interconnect to the telephone network.

- E. Because of these regulatory burdens, MarITEL has long urged the FCC to adopt new rules permitting, among other things, geographic area licensing, permitting frequency reuse and multiple channels for each transmitter site.
 - 1. This licensing scheme will allow public coast licensees to compete with other wireless providers and offer state of the art wireless services to the boating public.
- F. The FCC has adopted new regulations that embody this new regulatory scheme. The licensing of spectrum by competitive bidding, which is part of the new licensing regime, will allow the FCC to quickly achieve these objectives. Therefore, MarITEL strongly supports the FCC's proposal to conduct auctions to license public coast channels on a geographic area basis.
- G. Nevertheless, there is currently a freeze on the acceptance of applications for new public coast station channels and facilities.
- H. While MarITEL understands that the freeze is necessary to crystallize the landscape for purposes of competitive bidding, it has significantly hindered MarITEL's ability to expand its system and coverage.
- I. Therefore, it is critical to the U.S. Coast Guard, which relies upon coast station operators to relay distress calls, and the boating public, that the FCC conduct the auction for public coast station channels as quickly as possible.
- J. In its Docket No. 92-257 proceeding, the FCC has committed to adopting regulations governing the auction of public coast station spectrum by March 17, 1998.
- K. Yet, in a recent Public Notice, the FCC stated that the auction for public coast station spectrum would not occur until the fourth quarter of 1998.

- L. Therefore, the FCC should accelerate the planned auction of public coast station spectrum.
1. Unlike other wireless providers, public coast station operators also serve important public safety needs. Delay of the auction means that public safety will be endangered.
 2. The fact that the FCC has not adopted final auction rules should not prevent the Commission from setting a date to begin the auction.
 - a. The services for which auctions are scheduled (LMDS, 220 MHz) are subject to petitions for reconsideration.
 - b. There has not been serious objection to the FCC conducting auctions for this service.
 - c. Because auction dates can be postponed (LMDS, e.g.), setting a date for the auction today does not mean they could not be delayed if necessary in the future.
 - d. However, failing to set an auction date for the public coast service earlier than now scheduled may, because of the scheduling of other auctions, preclude an auction of public coast station spectrum as soon as rules have been adopted.
- M. THEREFORE, THE FCC SHOULD SCHEDULE THE PUBLIC COAST STATION SPECTRUM AUCTION TO BEGIN IN LATE APRIL, AFTER THE RULES THAT WILL BE ADOPTED ON MARCH 17, 1998 BECOME FINAL.